

AMENDED IN SENATE AUGUST 6, 2012

AMENDED IN ASSEMBLY MAY 25, 2012

AMENDED IN ASSEMBLY APRIL 16, 2012

AMENDED IN ASSEMBLY APRIL 9, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1650

Introduced by Assembly Member Portantino

February 13, 2012

An act to add Section 769 to the Public Utilities Code, relating to public utilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 1650, as amended, Portantino. Public utilities: emergency and disaster preparedness.

Under existing law, the Public Utilities Commission has regulatory authority over public utilities, including electrical corporations and water corporations, *as defined*.

Existing law, the California Emergency Services Act, ~~permits~~ *authorizes* local governments to create disaster councils by ordinance; ~~and~~ to develop plans for meeting any condition constituting a local emergency or state of emergency, as specified.

This bill would require the ~~Public Utilities Commission~~ *commission* to establish standards for disaster and emergency preparedness plans within an existing ~~procedure~~ *proceeding*, as specified. The bill would require an electrical corporation, ~~as defined~~, to develop, adopt, and update an emergency and disaster preparedness plan, as specified. The bill would impose a state-mandated local program by requiring every

~~county and city, county, or city and county~~ within the electrical corporation's service area to designate a point of contact for the electrical corporation to consult with on emergency and disaster preparedness plans. The bill would require a water company regulated by the commission to develop, adopt, and update an emergency and disaster preparedness plan, as specified. The bill would *find and declare that* county and city participation in the preparation of electrical corporations' emergency and disaster preparedness plans is critical to a statewide emergency response and, thus, is an issue of statewide concern.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 769 is added to the Public Utilities Code,
- 2 to read:
- 3 769. (a) The commission shall establish standards for disaster
- 4 and emergency preparedness plans within an existing ~~procedure~~
- 5 *proceeding*, including, but not limited to, use of weather reports
- 6 to preposition manpower and equipment before anticipated severe
- 7 weather, methods of improving communications between
- 8 ~~government~~ *governmental* agencies and the public, and methods
- 9 of working to control and mitigate an emergency or disaster and
- 10 its aftereffects. *The commission, when establishing standards*
- 11 *pursuant to this subdivision, may make requirements for small*
- 12 *water corporations similar to those imposed on Class A water*
- 13 *corporations under paragraph (2) of subdivision (f).*
- 14 (b) An electrical corporation, as defined in Section 218,
- 15 providing service in California shall develop, adopt, and update
- 16 an emergency and disaster preparedness plan in compliance with
- 17 the standards established by the commission pursuant to
- 18 subdivision (a).

1 (1) (A) In developing and adopting an emergency and disaster
2 preparedness plan, an electrical corporation providing service in
3 California shall invite appropriate representatives of every ~~county~~
4 ~~and city, county, or city and county~~ within that electrical
5 corporation's service area in California to meet with, and provide
6 consultation to, the electrical corporation.

7 (B) Every ~~county and city, county, or city and county~~ within
8 the electrical corporation's service area in California shall designate
9 a point of contact for the electrical corporation to consult with on
10 emergency and disaster preparedness plans.

11 (C) The electrical corporation shall provide the point of contact
12 designated pursuant to subparagraph (B) *with* an opportunity to
13 comment on draft emergency and disaster preparedness plans.

14 (2) For the purposes of best preparing an electrical corporation
15 for future emergencies or disasters, an emergency and disaster
16 preparedness plan shall address recent emergencies and disasters
17 associated with the electrical corporation or similarly situated
18 corporations, and shall address remedial actions for possible
19 emergencies or disasters that may involve that corporation's
20 provision of service.

21 (3) Every two years, in order to update and improve that
22 electrical corporation's emergency and disaster preparedness plan,
23 an electrical corporation providing service in California shall invite
24 appropriate representatives of every ~~county and city, county, or~~
25 ~~city and county~~ within that electrical corporation's service area to
26 meet with, and provide consultation to, the electrical corporation.

27 (4) For the purposes of best preparing an electrical corporation
28 for future emergencies or disasters, an electrical corporation
29 updating its emergency and disaster preparedness plan shall review
30 the disasters and emergencies that have affected similarly situated
31 corporations since the adoption of the plan, remedial actions taken
32 during those emergencies or disasters, and proposed changes to
33 the plan. The electrical corporation shall adopt in its plan the
34 changes that will best ensure the electrical corporation is reasonably
35 prepared to deal with a disaster or emergency.

36 (c) A meeting pursuant to subdivision (b) shall be noticed and
37 shall be conducted in a public meeting that allows for the
38 participation of appropriate representatives of counties and cities
39 within the electrical corporation's service area.

(1) A county participating in a meeting pursuant to subdivision (b) shall inform each city within the county of the time and place of the meeting.

(2) An electrical corporation holding a meeting pursuant to subdivision (b) shall provide participating counties and cities with the opportunity to provide written and verbal input regarding the corporation's emergency and disaster preparedness plan. For purposes of this public meeting, an electrical corporation may convene a closed meeting with representatives from every ~~county~~ *and city, county, or city and county* within that electrical corporation's service area to discuss sensitive security-related information in the electrical corporation's emergency and disaster preparedness plan and to solicit comment.

(3) An electrical corporation shall notify the commission of the date, time, and location of a meeting pursuant to subdivision (b).

(d) An electrical corporation shall conduct a meeting pursuant to subdivision (b) no later than April 1, 2013, and every two years thereafter.

(e) An electrical corporation shall memorialize a meeting pursuant to subdivision (b), and shall submit its records of the meeting to the commission.

(f) (1) A water company regulated by the commission shall develop, adopt, and update an emergency and disaster preparedness plan in compliance with the standards established by the commission pursuant to subdivision (a). This requirement shall be deemed fulfilled when the water company files an emergency and disaster preparedness plan pursuant to another state statutory requirement.

(2) A water company developing, adopting, or updating an emergency and disaster preparedness plan pursuant to paragraph (1) shall hold meetings with representatives from ~~the counties and cities~~ *each city, county, or city and county* in the water company's service area regarding the emergency and disaster preparedness plan.

(g) *An electrical corporation or a water corporation may fulfill a meeting requirement imposed by this section by making a presentation regarding its emergency and disaster preparedness plan at a regularly scheduled public meeting of each disaster council created pursuant to Article 10 (commencing with Section 8610) of Chapter 7 of Division 1 of Title 2 of the Government Code*

1 *within the corporation's service area, or at a regularly scheduled*
2 *public meeting of the governing body of each city, county, or city*
3 *and county within the service area.*

4 SEC. 2. The Legislature finds and declares that county and city
5 participation in the preparation of electrical corporations'
6 emergency and disaster preparedness plans is critical to a statewide
7 emergency response and, thus, is an issue of statewide concern
8 and not a municipal affair, as that term is used in Section 5 of
9 Article XI of the California Constitution.

10 SEC. 3. If the Commission on State Mandates determines that
11 this act contains costs mandated by the state, reimbursement to
12 local agencies and school districts for those costs shall be made
13 pursuant to Part 7 (commencing with Section 17500) of Division
14 4 of Title 2 of the Government Code.